

department shall consider the number of clearances required by its review process and whether the review process varies according to the complexity or significance of a rule.

I further direct the head of each agency and department to submit to the Vice President and me, within 6 months of this memorandum, the results of its examination.

William J. Clinton

Memorandum on Negotiated Rulemaking

September 30, 1993

Memorandum for Executive Departments and Selected Agencies, Administrator of the Office of Information and Regulatory Affairs
Subject: Negotiated Rulemaking

Today, I issued the Executive order on Regulatory Planning and Review, which sets forth the Administration's regulatory philosophy and establishes the procedures to be followed by agencies in promulgating regulations. This order also enhances public disclosure requirements and public involvement in the regulatory review process. In Section 6(a) of the order, I direct each agency to explore and, where appropriate, use consensual mechanisms for developing regulations, including negotiated rulemaking. Consistent with that directive and the recommendation of the National Performance Review on this issue, I further direct each agency, within 90 days of this order, to (i) identify to OIRA at least one rulemaking which the agency will, within the upcoming year, develop through the use of negotiated rulemaking or (ii) explain to OIRA why the use of negotiated rulemaking will not be feasible in the upcoming year.

I further direct the Administrator of OIRA to publish this memorandum in the *Federal Register*.

William J. Clinton

Memorandum on Report of Regulatory Review

September 30, 1993

Memorandum for the Administrator, Office of Information and Regulatory Affairs

Subject: Report of Regulations Reviewed

Today, I issued an Executive order setting forth the Administration's regulatory philosophy; defining a more effective and accountable role for the Executive Office of the President in regulatory planning and review; and establishing the procedures to be followed by agencies and your office in promulgating and reviewing regulations. The review process set forth in the order is designed to assist agencies in issuing better regulations by, among other things, streamlining the review process and enhancing accountability.

In order to ascertain the success of the regulatory review process, I direct you to monitor your review activities over the next 6 months and, at the end of this period, to prepare a report on your activities. This report shall include a list of the regulatory actions reviewed by OIRA, specifying the issuing agency; the nature of the regulatory action (e.g., advance notice of proposed rulemaking, notice of proposed rulemaking, interim final rule, or final rule); whether the agency or OIRA identified the reviewed regulatory action as "significant," within the meaning of the order; and the time dedicated to the review, including whether there were any extensions of the time periods set forth in the order, and, if so, the reason for such extensions. The report shall include any other information that your office may have with respect to the kind or amount of regulatory actions that were not reviewed by your office. Finally, the report shall identify any provisions of the order that, based on your experience or on comments from interested persons, warrant reconsideration so that the purposes and objectives of this order can be better achieved.

I further direct you to submit this report to the Vice President and me by May 1, 1994, and to publish the report in the *Federal Register*.

William J. Clinton